

**Congress of the United States**  
**Washington, DC 20515**

February 28, 2023

Ann Carlson  
Acting Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Dear Acting Administrator Carlson:

Congratulations on the announcement that President Biden intends to nominate you as the National Highway Traffic Safety Administration (NHTSA) Administrator. We share your commitment to keeping people safe on our nation's roads and highways. We appreciate the work of NHTSA to protect consumer safety as new vehicle technologies and innovations emerge. The Standing General Order (SGO) 2021-01 issued in June 2021 is a good first step, and we urge you to take further action at a time when far too many lives are lost on America's roads each year.

Data obtained through the SGO from July 2021 to January 2023 have revealed at least 18 crashes resulting in a fatality involving Automated Driving Systems (ADS) or Advanced Driver Assistance Systems (ADAS). It is essential that NHTSA continues to collect and evaluate data involving these technologies to keep the public safe. Furthermore, stakeholders, including the public, must have the opportunity to review this data without unnecessary opacity which can significantly hamper its usefulness. As such, we encourage NHTSA to take the following actions to strengthen the effectiveness of the SGO:

- The SGO expires in 2024 and a change in leadership at NHTSA could result in the SGO being rescinded. Therefore, the agency should eliminate the expiration date of the SGO.

**Data Integrity**

- Many of the crash reports provided to the public include numerous missing or "unknown" data points. This information is important to fully understand and evaluate an incident, because it includes, for example, roadway surface condition, lighting, crash partner description, and highest injury severity. Manufacturers must be required to review independent resources such as police accident reports to obtain this missing information and submit it to NHTSA. In addition, all available visual evidence involving these crashes including photographs and videos must be included in the reports. In gathering such additional data necessary for NHTSA to comply with its motor vehicle safety mandate, NHTSA must ensure that appropriate privacy safeguards are in place to protect personal information from misuse.
- NHTSA should require manufacturers to record (and make available to NHTSA in a standardized format) privacy-preserving, anonymized data that characterizes driver and vehicle performance before and during an ADS- or Level 2 ADAS-involved crash that must be reported pursuant to the SGO. Such data should enable automatic notification of these crashes to the manufacturer, which should be immediately reported to NHTSA.

- NHTSA should establish performance standards for, and require all new vehicles to include, driver monitoring systems that will minimize driver disengagement, prevent automation complacency, and account for foreseeable misuse of L2+ automation systems. Vehicles equipped with L2+ automation systems should record data related to the performance of driver monitoring systems to enable research on and improvement of L2+ systems.<sup>1</sup> Such data recording should protect personal information from misuse.
- NHTSA should combine records for each crash enabling more ready access to and processing of the data. Currently, crashes in the database can have multiple records as more information is obtained about the incident. While it is important that NHTSA provide as much information as possible about each crash, these multiple records can lead to confusion.

## Transparency

- The crash narratives provided to the public are heavily redacted and it appears that the redactions may not be limited to information that is confidential business information (CBI). Other variables in the dataset are also heavily redacted including whether the ADAS/ADS was operating within its operational design domain (ODD), the ADAS version, and crash location specific information. Information which is essential to evaluating the performance of Level 2 ADAS / ADS equipped vehicles should not be withheld from the public because industry alleges it is CBI. NHTSA needs to reevaluate its process for determining what information should be redacted from crash narratives and other publicly available information, including its process for determining whether information is CBI. The agency should establish objective criteria that increase transparency and should create clear timelines for CBI determinations. These determinations must be timely, and the public should be provided transparent updates on the status of the determinations as well as explanations of the results. The agency should appoint a lead expert, separate from the Chief Counsel, to be in charge of the process who is responsible for the careful review and analysis of all data elements including narratives.
- The SGO data as presented are not comparable to any other crash data sets available from the agency. This lack of context not only impedes the ability for the public to contextualize the information being provided but also can and already has led to misleading reporting. The agency must work with other agencies (such as the Federal Highway Administration) or organizations (such as the Transportation Research Board), and manufacturers to collect some form of exposure data (such as vehicle miles traveled or ODD) to complete the picture for the public.
- Additionally, with the proliferation of unregulated ADAS systems into the vehicle fleet and increasing testing of ADS, it will benefit safety research for the existing crash data

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<sup>1</sup> These suggestions are in line with recommendations from the National Transportation Safety Board (NTSB) in the report on the March 23, 2018 Mountain View, California crash.

collection systems utilized by NHTSA to better identify ADAS and ADS vehicles involved in crashes to enable the analysis of the performance and/or failures of such systems.

## Compliance

- The SGO should include and identify all companies employing remote drivers during any point in the operation.
- NHTSA must regularly review and update the list of companies subject to the SGO. The agency must ensure compliance with the SGO by all subjected companies.
- If companies are not complying with the SGO, NHTSA must use its statutory authority to rectify this issue. Mandatory compliance by companies should also include any follow-up information requested by the agency.

Thank for your attention to this important matter. We respectfully request that you provide a response within 30 days detailing actions the agency will take to strengthen the SGO.

Sincerely,



Jan Schakowsky  
Ranking Member  
House Subcommittee on  
Innovation, Data, and  
Commerce  
House Committee on Energy  
and Commerce



Kathy Castor  
Member  
House Subcommittee on  
Innovation, Data, and  
Commerce  
House Committee on Energy  
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Lori Trahan  
Member  
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